

2009 DRAFTING REQUEST

Bill

Received: **07/29/2009**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing: **Adrienne Ramirez**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Open Meetings
Public Records
Education - miscellaneous**

Extra Copies: **PG - 1**

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Interscholastic athletic association meetings, records

Instructions:

Per attached E mail, 7/24/09. p/c w/ Adrienne Ramirez, 7/28/09: OK to prohibit school districts from maintaining membership in interscholastic associations unless they agree to comply with open meetings and public records access laws.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|------------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | jkuesel 08/03/2009 | wjackson 08/11/2009 | | _____ | | | |
| /1 | | | rschluet 08/11/2009 | _____ | mbarman 08/11/2009 | cduerst 10/22/2009 | |

FE Sent For:

None

<END>

2009 DRAFTING REQUEST

Bill

Received: **07/29/2009**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing: **Adrienne Ramirez**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Open Meetings
Public Records
Education - miscellaneous**

Extra Copies: **PG - 1**

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Interscholastic athletic association meetings, records

Instructions:

Per attached E mail, 7/24/09. p/c w/ Adrienne Ramirez, 7/28/09: OK to prohibit school districts from maintaining membership in interscholastic associations unless they agree to comply with open meetings and public records access laws.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|------------------------|------------------------|----------------|-----------------------|-----------------|-----------------|
| /? | jkuesel 08/03/2009 | wjackson 08/11/2009 | | | | | |
| /1 | | | rschluet 08/11/2009 | | mbarman 08/11/2009 | | |

FE Sent For:

<END>

UNOTE

2009 DRAFTING REQUEST

Bill

Received: 07/29/2009

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Anthony Staskunas (608) 266-0620

By/Representing: Adrienne Ramirez

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Open Meetings
Public Records
Education - miscellaneous

Extra Copies: PG - 1

Submit via email: YES

Requester's email: Rep.Staskunas@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Interscholastic athletic association meetings, records

Instructions:

Per attached E mail, 7/24/09. p/c w/ Adrienne Ramirez, 7/28/09: OK to prohibit school districts from maintaining membership in interscholastic associations unless they agree to comply with open meetings and public records access laws.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-------------------|-----------------|--------------|--------------------|------------------|-----------------|-----------------|
| 1? / 1 | jkuesel 8/3/09 | 1/1 WLJ 8/11 | PS 8/11 | JF 8/11 Km 8/11 | | | |

FE Sent For:

<END>

Kuesel, Jeffery

To: Ramirez, Adrienne
Subject: RE: Open meetings and public records coverage for WIAA

Adrienne,

This will acknowledge receipt of your request. I will give you a call on Monday with a few questions regarding the request.

Jeffery Kuesel

*Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us*

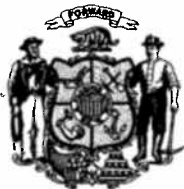
From: Ramirez, Adrienne
Sent: Friday, July 24, 2009 2:21 PM
To: Kuesel, Jeffery
Subject: Email from LRB Website

Jeffrey -

Rep. Staskunas would like you to draft legislation for him similar to LRB 2823 which you drafted for Rep. Gottlieb. Could you please draft legislation that would require application of public records access and open meetings laws to the Wisconsin Interscholastic Athletic Association?

Please feel free to call our office if you have any questions regarding this request. Thank you for your assistance.

Adrienne
Office of Rep. Tony Staskunas
6-0620



DNOTE
State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3204/1

JTK.../.....

WLj

wanted Thu 8/13

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen Cat

- 1 AN ACT ~~relating to~~; relating to: participation in interscholastic athletics and application
2 of the public records access and open meetings laws to interscholastic athletic
3 associations.?

Analysis by the Legislative Reference Bureau

This bill prohibits a school district from being a member of an interscholastic athletic association unless the association agrees to be governed by the public records access and open meetings laws. Currently, there is no similar prohibition.

The bill also provides that any interscholastic athletic association that elects to be governed by the public records access and open meetings laws is covered under those laws. Under the public records access law, except as otherwise provided by law, any person has the right to inspect or copy a public record unless the custodian demonstrates that the public interest in withholding access to the information contained in the record outweighs the strong public interest in providing access to that information. Under the open meetings law, with certain exceptions, meetings of governmental bodies must be preceded by public notice, must be held in places that are reasonably accessible to the public, and must be open to the public at all times. If a meeting is properly noticed, a body may, by recorded vote of a majority of the members present, convene in closed session for the purpose of considering certain matters specified by law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 19.32 (1) of the statutes is amended to read:

2 19.32 (1) "Authority" means any of the following having custody of a record: a
3 state or local office, elected official, agency, board, commission, committee, council,
4 department or public body corporate and politic created by constitution, law,
5 ordinance, rule or order; a governmental or quasi-governmental corporation except
6 for the Bradley center sports and entertainment corporation; a local exposition
7 district under subch. II of ch. 229; a long-term care district under s. 46.2895; any
8 court of law; the assembly or senate; a nonprofit corporation which receives more
9 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and
10 which provides services related to public health or safety to the county or
11 municipality; an interscholastic athletic association that elects to be governed by this
12 subchapter; or a formally constituted subunit of any of the foregoing.

History: 1981 c. 335; 1985 a. 26, 29, 332; 1987 a. 305; 1991 a. 39, 1991 a. 269 ss. 26pd, 33b; 1993 a. 215, 263, 491; 1995 a. 158; 1997 a. 79, 94; 1999 a. 9; 2001 a. 16; 2003 a. 47; 2005 a. 387; 2007 a. 20.

13 **SECTION 2.** 19.32 (1db) of the statutes is created to read:

14 19.32 (1db) "Interscholastic athletic association" means a nonstock
15 corporation that is organized under ch. 181, that is a nonprofit corporation, as
16 defined in s. 181.0103 (17), and that coordinates athletic events or contests for
17 students enrolled in grades 9 to 12.

as affected by 2009 Wisconsin Act 28,

18 **SECTION 3.** 19.82 (1) of the statutes is amended to read:

19 19.82 (1) "Governmental body" means a state or local agency, board,
20 commission, committee, council, department or public body corporate and politic
21 created by constitution, statute, ordinance, rule or order; a governmental or
22 quasi-governmental corporation except for the Bradley center sports and
23 entertainment corporation; a local exposition district under subch. II of ch. 229; a
24 long-term care district under s. 46.2895; an interscholastic athletic association that

elects to be governed by this subchapter; or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. I, IV or V of ch. 111. or VI

History: 1975 c. 426; 1977 c. 364, 447; 1985 a. 26, 29, 332; 1987 a. 305; 1993 a. 215, 263, 456, 491; 1995 a. 27, 185; 1997 a. 79; 1999 a. 9; 2007 a. 20, 96.

SECTION 4. 19.82 (1m) of the statutes is created to read:

19.82 (1m) "Interscholastic athletic association" means a nonstock corporation that is organized under ch. 181, that is a nonprofit corporation, as defined in s. 181.0103 (17), and that coordinates athletic events or contests for students enrolled in grades 9 to 12.

SECTION 5. 118.133 of the statutes is created to read:

118.133 Participation in interscholastic athletics. (1) No school district may be a member of an interscholastic athletic association, as defined in s. 19.32 (1db), unless the association elects to be governed by subchs. II and V of ch. 19.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3204/1dn

JTK...../.....

Wlj

Date

Representative Staskunas:

In order to avoid any allegation that this draft contravenes art. IV, sec. 31 (7) of the Wisconsin constitution by according special corporate attributes to a particular corporation, this draft does not directly affect corporate powers but instead creates a prohibition that applies to all school districts. Since school districts are creatures of the state, the legislature has broad discretion in defining the scope of their legal authority.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3204/1dn
JTK:wlj:rs

August 11, 2009

Representative Staskunas:

In order to avoid any allegation that this draft contravenes art. IV, sec. 31 (7), of the Wisconsin Constitution by according special corporate attributes to a particular corporation, this draft does not directly affect corporate powers but instead creates a prohibition that applies to all school districts. Since school districts are creatures of the state, the legislature has broad discretion in defining the scope of their legal authority.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Duerst, Christina

From: Hanson, Eric
Sent: Thursday, October 22, 2009 9:59 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-3204/1 Topic: Interscholastic athletic association meetings, records

Please Jacket LRB 09-3204/1 for the ASSEMBLY.

Eric Hanson
Office of Rep. Staskunas
6-0620